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SENATE

{ REPORT
110-304

ALABAMA LITTLE RIVER CANYON NATIONAL PRESERVE ENHANCEMENT ACT

APRIL 10, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 1961]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1961) to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, line 6, strike “July 31, 2007” and insert “December 2007”.

PURPOSE

The purpose of S. 1961 is to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama.

BACKGROUND AND NEED

Located in northeast Alabama, Lookout Mountain forms a majestic plateau above surrounding valleys. The Little River starts on the top of Lookout Mountain and plunges through waterfalls and rapids, carving a deep canyon as it descends and finally cuts through the eastern escarpment of the Lookout Mountain plateau to reach the Coosa River and Weiss Lake.

In 1992, Congress established the Little River Canyon National Preserve, as a unit of the National Park System, to conserve the Canyon’s natural, scenic, and recreational resources. The Preserve offers opportunities for hunting, fishing, camping, hiking, kayaking, rafting, horseback riding, and other forms of outdoor

recreation. S. 1961 would expand the boundary to include several areas along the eastern and western Canyon rims.

When first established, the Preserve included lands owned by the State of Alabama and Alabama Power within the Preserve's boundary. Several years ago, Alabama Power sold its lands within the Preserve to the National Park Service. Currently, the Park Service owns approximately 13,000 acres within the Preserve.

In recent years, several landowners have built large residential structures on the Preserve's eastern rim within the Canyon View Forest subdivision, directly across from a number of scenic overlooks including Crow Point. In response to these developments, S. 1961 would expand the Preserve boundary by approximately 1,650 acres to include lands in the Canyon View Forest development along with lands owned by Temple Inland which has recently announced its intent to liquidate its timberland holdings. The Canyon View Forest area includes approximately 1,216 acres and is the largest element of the proposed expansion.

In addition to the Canyon View Forest, the bill would expand the boundary to include the following properties—115 acres of adjacent holdings owned by a private landowner and Alabama Power, 48 acres owned by Jacksonville State University on the western rim, 122 acres on the Canyon's western rim, and 155 acres on the south portion of the east rim.

LEGISLATIVE HISTORY

S. 1961 was introduced by Senator Sessions on August 2, 2007. A similar measure (H.R. 5486) was introduced in the House of Representatives on February 25, 2008. The Subcommittee on National Parks held a hearing on S. 1961 on November 8, 2007. The Committee on Energy and Natural Resources ordered it favorably reported on January 30, 2008.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session, on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 1961, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1961, the Committee adopted an amendment that changes the map date so that the bill references an updated map.

SECTION-BY-SECTION ANALYSIS

S. 1961 amends section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) to expand the boundary of the preserve to include land depicted on the map entitled, "Little River Canyon National Preserve Proposed Boundary" and dated December 2007.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 1961—A bill to expand the boundaries of the Little River Canyon National Preserve in the state of Alabama

S. 1961 would expand the boundaries of the Little River Canyon National Preserve in Alabama. Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1961 would cost about \$10 million over the 2008–2013 period. Enacting this legislation would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

S. 1961 would add about 1,660 acres of land to the Little River Canyon National Preserve. Based on information provided by the National Park Service, CBO estimates that the federal government would acquire this land over a five-year period. The final cost would depend on future appraisals as well as how many acres within the new boundary are acquired. CBO estimates that expanding the boundary of the preserve would cost about \$10 million over the 2008–2013 period. Because much of the land would be located along the edge of the canyon, we estimate that any additional operational costs would be insignificant.

The CBO staff contact for this estimate is Daniel Hoople. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1961. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1961, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING ITEMS

S. 1961, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 1961, a bill to revise the boundary of the Little River Canyon National Preserve in the State of Alabama, and for other purposes.

The Department supports S. 1961. S. 1961 would expand the boundaries of the Little River Canyon National Pre-

serve (Preserve) to add approximately 1,656 acres that would be acquired by purchase from willing sellers or through donation. Appraisals have not been completed on any of the involved properties so the costs associated with the potential acquisitions are unknown. The Preserve currently includes 13,797 acres, and the NPS roughly estimates acquisition costs to be between \$9 million and \$12 million. No funding has yet been identified for any of the acquisitions proposed in this bill. Funding for any of these acquisitions would be subject to the budget prioritization process of the National Park Service.

Little River Canyon National Preserve was established as a unit of the National Park System by Public Law 102-427, to protect and preserve the natural, scenic, recreational and cultural resources of the area and to provide for public enjoyment of those resources. The Little River Canyon is located in northeast Alabama between Gadsden, Alabama and Chattanooga, Tennessee. Birmingham, Alabama is approximately 100 miles southwest of the Preserve and Atlanta, Georgia is about 110 miles to the southeast.

The Preserve contains an outstanding example of an Appalachian Plateau Province Canyon System and the canyon and the Little River together form one of the extraordinary natural features of Alabama. The Preserve is biologically diverse and home to a number of rare plants and animals. Numerous recreational pursuits are also available within the Preserve boundaries including a 23-mile canyon rim drive, which provides easy access to superlative scenic views.

The Preserve also includes important scenic, natural, cultural, recreational, and scientific resources. Little River Canyon's stream resources are excellent and the Little River is classified by the State of Alabama as an Outstanding National Resource Water providing an opportunity for world-class whitewater boating. Little River is one of a very few river systems with most of its length atop a mountain, in this case, Lookout Mountain.

The Preserve lies at the southern limits of the Cumberland Plateau and Little River Canyon is the deepest canyon in Alabama and one of the deepest in the eastern United States. As such, the Preserve contains some of the most rugged scenery in the southeast which contributes to significant biological diversity including habitat for a unique assemblage of plants and animals. In addition, the Preserve includes a wide assortment of archeological resources and historic sites.

The acquisitions proposed in S. 1961 would help the National Park Service (NPS) meet the requirements established in the Preserve's enabling legislation, which direct the NPS to protect and preserve the scenic resources of Little River Canyon. Additionally, in the northeast portion of the Preserve the current boundary is narrow and many of the Preserve's recreational trails cross private property in that area. Expanding the boundary as proposed in S.

1961 would allow the NPS to purchase lands from willing sellers and enhance recreational resources for Preserve visitors by ensuring that these trails no longer cross private property.

The current western boundary of the Preserve meanders back and forth across state and county roads which make up the Preserve's scenic drive. The boundary expansion proposed in S. 1961 would relocate the boundary in this area to the western edge of the state and county rights-of-way. In addition to including land between the roads and the canyon within the Preserve boundary, this adjustment would allow the NPS to apply for federal highway funds in order to improve the roads to help them meet Federal Highway Administration safety standards. The present condition of this portion of the scenic drive is characterized by steep hills and locations where sight distance is limited. As a result, the NPS has had to install signs warning drivers of motor homes and other large vehicles to avoid the southern two-thirds of the drive for their own safety. Including the roads and the lands between them and the current park boundary within the Preserve would also make it feasible to add additional scenic overlooks and bicycle lanes.

Mr. Chairman, this concludes my formal remarks. I would be happy to answer any questions you or any members of the subcommittee might have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1961 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

LITTLE RIVER CANYON NATIONAL PRESERVE ACT OF 1991

Public Law 102-427

AN ACT To establish the Little River Canyon National Preserve in the State of Alabama

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

SEC. 2(b). AREA INCLUDED.—**[The Preserve]** (1) *IN GENERAL.*—*The Preserve shall consist of the lands, waters, and interests in lands and waters generally depicted on the boundary map entitled “Little River Canyon National Preserve”, numbered NA-LRNP-80,001C, and dated March 1992.*

(2) *BOUNDARY EXPANSION.*—*The boundary of the Preserve is modified to include the land depicted on the map entitled “Little River Canyon National Preserve Proposed Boundary”, numbered 152/80,004, and dated December 2007.*

(c) **MAP** *MAPS*.—The **map** *maps* referred to in subsection (b) shall—

(1) be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior in Washington, District of Columbia; and

(2) be filed with the appropriate offices of DeKalb and Cherokee Counties in the State of Alabama.

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